

LANCASTER COUNTY COURT OF COMMON PLEAS
ADULT DRUG COURT

COMMONWEALTH OF PENNSYLVANIA :
 :
 VS. : CRIMINAL NO. _____
 :
 _____ :
 :

DRUG COURT GUILTY PLEA COLLOQUY
INSTRUCTIONS

1. This form to be used only in the Lancaster County Court of Common Pleas Drug Court.
2. The Court will explain the elements of the crime(s) to which you are pleading guilty and the possible range of sentences and fines.
3. Complete the answer to every question.
4. Be sure to sign and date the form on the back of page.

You are present before this Court because you and your lawyer have stated that you wish to plead guilty to some or all of the criminal offenses with which you have been charged.

1. Can you read, write, speak and understand the English language? _____
2. Are you in any way under the influence of alcohol or drugs, including prescription medications? _____
3. Do you understand that you are here today to enter a plea of guilty to all of the criminal charges against you? _____
4. Do you understand that pleading guilty is a condition of participation in Drug Court?

5. Do you understand that if you are terminated from the Drug Court program, you will NOT be permitted to withdraw your guilty plea, unless that termination is based on facts

which should have been known to the prosecutor prior to admission, or upon Constitutional grounds? _____

- 6. Do you understand that if it becomes necessary to sentence you pursuant to your guilty plea, then the sentencing may NOT occur within the ninety (90) days as proscribed by Pa. Rule of Criminal Procedure 704? _____ I understand and agree to waive the ninety (90) day limitation. _____
- 7. Do you understand that should it become necessary to sentence you, it is the Drug Court Judge who will determine the sentence (in other words, this is an open plea)? _____
- 8. Do you know that for a misdemeanor or felony the Drug Court may impose a sentence in accordance with the sentencing guidelines which place a suggested length of sentence for the type of crime and increase the length of that sentence if you had been previously convicted of other crimes, either as a juvenile or an adult, and that the maximum sentence or sentences of confinement and/or fines applicable to the crimes covered by this guilty plea are as follows:

Charge	Max. Term of Confinement	Max. Fine

- 9. Do you understand that if you are being sentenced on more than one count, the sentences could be consecutive to each other? _____
- 10. Do you understand that you have a right to a trial by jury and that by pleading guilty you are giving up that right? _____
- 11. Do you understand that a jury would consist of twelve (12) citizens from Lancaster County, and that you and your attorney would participate in the selection of the jury and that in order to convict you, all twelve members of the jury must agree that you are guilty? _____
- 12. Do you understand that you are presumed innocent until proven guilty by the Commonwealth beyond a reasonable doubt? _____
- 13. Do you understand that the Commonwealth must prove each element of each crime beyond a reasonable doubt? _____

14. Do you understand that if the judge declines to accept your guilty plea, you will be permitted to withdraw it and you will be in the same position as if this plea had not taken place? _____
15. Do you understand the terms and conditions of Drug Court? _____
16. Do you understand that the Drug Court program consists of four phases, which will require a minimum of twelve months to complete, as well as a period of aftercare of up to thirty-six months? _____
17. Do you understand that as a participant of Drug Court, you will be required to comply with the conditions of the Participant Contract, the Adult Drug Court Rules, and the Rules and Regulations of Adult Probation and Parole Services? _____
18. Do you understand that any violations of the Participant Contract, Adult Drug Court Rules, Rules and Regulations of Adult Probation & Parole Services, or of the law will result in the imposition of sanctions, up to and including termination from the program?

19. Is it your decision to plead guilty? _____
20. Have you been threatened or forced to plead guilty? _____
21. Have any promises been made to you to enter a plea of guilty, other than the terms of the Drug Court program as agreed to by you in the Participant Contract? _____
22. Do you understand that a guilty plea has the same effect as a conviction by a jury or a judge hearing the case without a jury? _____
23. I understand that after my admission into the Drug Court Program, the Drug Court Team Member designated as Defense Counsel shall be my attorney and represent my legal interests for the duration of my participation in the program. _____
24. **If you are entering the DIVERSION track of Drug Court:**
- a. Do you understand that upon the successful completion of Drug Court and any required aftercare, the charges to which you have plead guilty upon admission will be dismissed? _____
 - b. Do you understand that to participate in this program and have your charges dismissed, you will plead guilty to all of the charges? _____

- c. Do you understand that failure to successfully complete Drug Court and any aftercare will result in you being sentenced on all of the charges? _____
- d. Do you understand participation in the Drug Court modified track requires you to waive your right to be sentenced within 90 days of your guilty plea as prescribed in Pennsylvania Rule of Criminal Procedure 704 and/or any specific or general time prescribed for sentencing under Pennsylvania or Federal Law in general?

- e. Do you understand participation in the Drug Court modified track requires you to waive your right to be sentenced within the reasonable time prescribed by Pennsylvania Common Law and requires that you agree that any delay in sentencing does not prejudice you in anyway? *See Commonwealth v. Anders, 725 A.2d170 (Pa 1999).* _____

25. If you are entering the MODIFIED track of Drug Court:

- a. Do you understand that upon successful completion of Drug Court, the charges to which you have plead guilty will be reduced or dropped as outlined in the information at the time of the plea? _____
- b. Do you understand that to participate in this program and have your charges reduced or dropped, you will plead guilty to all of the charges? _____
- c. Do you understand that upon successful completion of Drug Court you will be sentenced on the agreed upon charge(s) and the other charge(s) will be dismissed by the Commonwealth? _____
- d. Do you understand that failure to successfully complete Drug Court will result in you being sentenced on all of the charges? _____
- e. Do you understand participation in the Drug Court modified track requires you to waive your right to be sentenced within 90 days of your guilty plea as prescribed in Pennsylvania Rule of Criminal Procedure 704 and/or any specific or general time prescribed for sentencing under Pennsylvania or Federal Law in general?

- f. Do you understand participation in the Drug Court modified track requires you to waive your right to be sentenced within the reasonable time prescribed by Pennsylvania Common Law and requires that you agree that any delay in sentencing does not prejudice you in anyway? *See Commonwealth v. Anders, 725 A.2d170 (Pa 1999).* _____

26. If you are entering the NON-DIVERSION track of Drug Court:

- a. Do you understand that to participate in this program you will plead guilty to all of the charges? _____
- b. Do you understand that when entering Drug Court on the Non-Diversion track, you will be sentenced on all charges for which you've entered a plea of guilty upon admission, and that these records cannot be expunged? _____
- c. Do you understand that failure to successfully complete Drug Court and any aftercare will result in a probation/parole violation and that you will be subject to sentencing/resentencing by the Drug Court Judge? _____

I acknowledge and agree that I will be entering Adult Drug Court on the _____ track. I certify that I have reviewed and understand the legal ramifications, including the rights I would be waiving, resulting from my admission to Adult Drug Court on said track.

Defendant

Date

I am voluntarily pleading guilty and signing the Drug Court Guilty Plea Colloquy.

Defendant

Date

I have reviewed this Drug Court Guilty Plea Colloquy with my client.

Attorney for Defendant

Date